

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSE GONZALEZ,

Plaintiff,

v.

Case No. 24-cv-739-pp

SARA ENGLISH,

Defendant.

**ORDER DENYING PLAINTIFF’S MOTION REQUESTING COURTS TO ORDER
DEPOSITION (DKT. NO. 19)**

Plaintiff Jose Gonzalez, who is incarcerated at Waupun Correctional Institution and is representing himself, filed this case alleging that the defendant violated his constitutional rights. The court screened the amended complaint and allowed the plaintiff to proceed on an Eighth Amendment claim based on allegations that the defendant did not provide him adequate medical care after his self-harm incident. Dkt. No. 13 at 5. The court exercised supplemental jurisdiction over a medical malpractice claim under Wisconsin state law. Id. This order addresses the plaintiff’s motion asking the court to order the defendant to participate in a deposition. Dkt. No. 19.

The plaintiff asks the court to order Waupun Correctional Institution to allow him to depose the defendant at the institution. Id. Federal Rule of Civil Procedure 30 governs depositions by oral examination. The procedure for depositions, which is rather lengthy, includes having an “officer” conduct the deposition. See Fed. R. Civ. P. 30(b)(5). The plaintiff has not named an officer to

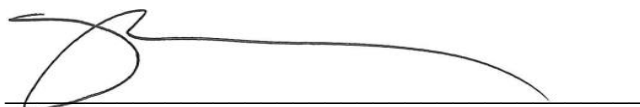
conduct the deposition, and he has not explained why it is necessary to depose the defendant under Rule 30. During discovery, the plaintiff may serve written questions (“interrogatories,” under Rule 33) and ask the defendants to admit certain facts (“requests for admission,” under Rule 36). The plaintiff has not explained why he needs to conduct oral examinations when he can obtain information from the defendant through interrogatories, requests for admissions and requests for production of documents.

Although the plaintiff may prefer to depose the defendant by asking oral questions, the court is not obligated to subsidize the plaintiff's litigation by paying for an officer to take the defendant's deposition. See Soto v. White, Case No. 19-3135, 2022 WL 2115299, at *2 (7th Cir. June 13, 2022) (citing McNeil v. Lowney, 831 F.2d 1368, 1373 (7th Cir. 1987) (holding that the district court had no statutory authority to waive witness fees for plaintiff proceeding in forma pauperis); Patten v. Schmidt, Case No. 07-C-0026, 2007 WL 3026622, at *6 (E.D. Wis. Oct. 16, 2007). The court will deny the plaintiff's motion for the court to order deposition.

The court **DENIES** the plaintiff's motion requesting courts to order deposition. Dkt. No. 19.

Dated in Milwaukee, Wisconsin this 27th day of January, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge